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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,990	01/30/2001	Anna Pia Slothower	PALM-3559.US.P	4362

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EXAMINER	
NGUYEN, JENNIFER T	
ART UNIT	PAPER NUMBER
2629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/774,990	SLOTHOWER ET AL.	
	Examiner	Art Unit	
	Jennifer T. Nguyen	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to amendment filed 05/25/2007.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 09/863,706 in view of Depew et al. (Patent No.: US 6,215,476).

09/774990 (claim 16)	**09/863706 (claim 1)**
A display assembly for a portable electronic device comprising: a flat panel display screen;	A display assembly for a handheld electronic device comprising: a display mechanism;
flat panel, clear, resistive digitizer mechanism disposed over said flat panel display screen;	a plurality of pressure activated sensors; and a housing for enclosing said display mechanism

	and said pressure activated sensors;
a bezel-less cover film disposed over a top surface of said digitizer mechanism and enclosing the top and sides of said display assembly and said digitizer mechanism wherein said cover film and said top surface are coupled to form a single mechanical structure and wherein mechanical deflection of said cover film can be used to activate said digitizer mechanism.	a single-piece bezel-less top cover that allows mechanical transfer between said top cover and said plurality of pressure activated sensors, wherein said pressure activated sensors can be activated by mechanical pressure applied to said single-piece bezel-less top cover; said single-piece bezel-less top cover and of said external surface is flush;
	a back cover connected to said single-piece bezel-less top cover such that an area, which represents transition between said back cover.

The differences between two application inventions are digitizer touch panel and pressure sensor touch panel and a back cover at the back side of the electronic device. However, Depew teaches touch panel is a digitizer (110) is integrated into a flat display assembly and a rear housing (114) (fig. 5, col. 5, lines 29-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the digitizer and the rear housing as taught by Depew in the system of the application invention 09/863706 in order to obtain a digitizer portable device in which the thin film digitizers are more easily integrated into a standard flat panel display assembly; resulting in reduce cost of the device.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) Fig. 1 in view of Takahata et al. (U.S. Patent No. 6,556,189).

Regarding claims 1, 9, and 16, the AAPA Fig. 1 discloses an integrated enclosure/touch screen assembly comprising:

a display mechanism (140);

a digitizer mechanism comprising a top film (120) and a resistive digitizing element (130);

a supporting structure (105) for supporting said display mechanism (140); and

a cover (110) for the touch screen assembly that is disposed over and encloses said touch screen assembly and that is coupled to said top film (120) to operate therewith as a single physical layer to allow mechanical transfer between the cover (110) and the digitizer mechanism (130) and is coupled to said touch screen assembly (140), wherein the resistive digitizing element can be activated by mechanical pressure applied to the external surface of the cover (page 10, line 11 to page 11, line 10 in supported specification).

AAPA Fig. 1 differs from claims 1, 9, and 16 in that it does not specifically disclose the cover is a single piece cover enclosure that encloses the top and fully covers both sides of touch

screen assembly, and wherein said single piece enclosure forms a seal to protect said touch panel.

Takahata teaches single piece cover enclosure (43, fig. 10) encloses the top and fully covers both sides for a touch screen assembly and wherein said single piece enclosure forms a seal to protect said touch panel (col. 10, lines 40-58, col. 11, lines 14-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the single piece cover enclosure as taught by Takahata in the system of the AAPA Fig. 1 in order to provide an outer packet to protect portion of the touch panel from damage.

Regarding claims 2, 3, and 17, the combination of the AAPA Fig. 1 and Takahata teaches a single piece cover enclosure is constructed using in mold decoration (col. 8, line 51 to col. 8, line 15 of Takahata).

Regarding claims 4 and 11, the AAPA Fig. 1 further teaches finger pressure on the external surface of said single piece cover enclosure can be used to activate said digitizer mechanism (page 10, line 11 to page 11, line 10 in specification).

Regarding claims 5 and 12, AAPA Fig. 1 teaches wherein stylus pressure on the external surface of said cover enclosure may be used to activate said digitizer mechanism (page 10, line 11 to page 11, line 10 in specification).

Regarding claim 6, the combination of the AAPA and Takahata teaches wherein said single piece cover comprises a mylar polycarbonate material (col. 7, lines 43-52).

Regarding claims 7, 14 and 20, the AAPA Fig. 1 further teaches the soft thermoplastic film has sufficient deflection under external pressure to active said digitizer mechanism (page 1, lines 15-20 in specification).

Regarding claims 8 and 15, the combination of AAPA Fig. 1 and Takahata teaches the single piece cover enclosure is constructed with a flat outer top surface free of any indentation (Figs. 1-10 of Takahata).

Regarding claims 10 and 19, the combination of AAPA Fig. 1 and Takahata teaches said single piece cover enclosure is a soft thermoplastic outer film that is coupled to said top film of said digitizer mechanism that is coupled to the supporting structure (col. 10, lines 50-58 of Takahata).

Regarding claims 13 and 18, the AAPA Fig. 1 further teaches the digitizing element of said digitizer mechanism is a resistive type digitizing element (page 10, line 11 to page 11, line 10 in specification).

Response to Arguments

6. Applicants' arguments filed 05/25/2007, have been fully considered but they are not persuasive because as follows:

In response to Applicants' argument stated "Applicants' prior art Figure 1, does not teach or suggest an integrate enclosure touch screen...as is set forth in Claim 1" and "Takahata et al. does not teach or suggest an integrated enclosure touch screen assembly that...as is recited in Claim 1". Examiner respectfully disagrees because Applicants' prior art Figure 1 discloses a cover (110) for the touch screen assembly that is disposed over and encloses said touch screen assembly and that is coupled to said top film (120) to operate therewith as a single physical layer to allow mechanical transfer between the cover (110) and the digitizer mechanism (130) and is coupled to said touch screen assembly (140), wherein the resistive digitizing element can be activated by mechanical pressure applied to the external surface of the cover (page 10, line 11 to page 11, line 10 in supported specification) and Takahata teaches single piece cover enclosure (i.e., outer package 43, fig. 10) encloses the top and fully covers both sides for a touch screen assembly and wherein said single piece enclosure forms a seal to protect said touch panel (col. 2, lines 13-15, col. 10, lines 40-58, col. 11, lines 14-27). Applicants' argument stated "structure 43

is a bag that is very different from the single piece cover enclosure of Applicants' Claims. Structure 43 contains a liquid...to meet the above discussed limitations of Applicants' Claims." Examiner respectfully disagrees. Takahata teaches outer package (i.e., bag 43, fig. 10) entirely covered and seal the sides of a touch panel (42) capable of inputting information with a finger or pen positioned in front of a display device for use in an electronic notebook, a personal computer, or the like; wherein the glass touch panel and the bag integrated to transfer and activate a press from the finger or pen (col. 1, lines 5-10, col. 2, lines 13-15, col. 10, line 59 to col. 11, line 13). Therefore, it is believed that all claimed limitations are still read on by Takahata and prior art figures and the ground of the rejection is therefore maintained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen
08/18/07

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
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